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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

LEEMANUEL WEILCH,

Plaintiff,

vs.

JES AUTO ELECTRIC & PARTS; SC  
PLUMWOOD LLC; and DOES 1 to 10,  
Defendants.

**Case No.:**

COMPLAINT FOR INJUNCTIVE  
RELIEF AND DAMAGES FOR DENIAL  
OF CIVIL RIGHTS OF A DISABLED  
PERSON IN VIOLATIONS OF

1. AMERICANS WITH DISABILITIES  
ACT, 42 U.S.C. §12131 et seq.;

2. CALIFORNIA'S UNRUH CIVIL  
RIGHTS ACT;

3. CALIFORNIA'S DISABLED  
PERSONS ACT;

4. CALIFORNIA HEALTH & SAFETY  
CODE;

5. NEGLIGENCE

Plaintiff LEEMANUEL WEILCH ("Plaintiff") complains of Defendants JES  
AUTO ELECTRIC & PARTS; SC PLUMWOOD LLC; and DOES 1 to 10  
("Defendants") and alleges as follows:

**PARTIES**

1. Plaintiff is a California resident with a physical disability. Plaintiff suffers  
from complete paraplegia and is substantially limited in his ability to walk. Plaintiff  
requires the use of a wheelchair at all times when traveling in public.

1           2.     Defendants are, or were at the time of the incident, the real property owners,  
2 business operators, lessors and/or lessees of the real property for an auto parts store  
3 (“Business”) located at or about 3902 S. Normandie Ave., Los Angeles, California.

4           3.     The true names and capacities, whether individual, corporate, associate or  
5 otherwise of Defendant DOES 1 through 10, and each of them, are unknown to Plaintiff,  
6 who therefore sues said Defendants by such fictitious names. Plaintiff will ask leave of  
7 Court to amend this Complaint when the true names and capacities have been  
8 ascertained. Plaintiff is informed and believes, and, based thereon, alleges that each such  
9 fictitiously named Defendants are responsible in some manner, and therefore, liable to  
10 Plaintiff for the acts herein alleged.

11           4.     Plaintiff is informed and believes, and thereon alleges that, at all relevant  
12 times, each of the Defendants was the agent, employee, or alter-ego of each of the other  
13 Defendants, and/or was acting in concert with each of the other Defendants, and in doing  
14 the things alleged herein was acting with the knowledge and consent of the other  
15 Defendants and within the course and scope of such agency or employment relationship.

16           5.     Whenever and wherever reference is made in this Complaint to any act or  
17 failure to act by a defendant or Defendants, such allegations and references shall also be  
18 deemed to mean the acts and failures to act of each Defendant acting individually, jointly  
19 and severally.

### 20                                   **JURISDICTION AND VENUE**

21           6.     The Court has jurisdiction of this action pursuant to 28 USC §§ 1331 and  
22 1343 for violation of the Americans with Disabilities Act of 1990, (42 USC §12101, *et*  
23 *seq.*).

24           7.     Pursuant to pendant jurisdiction, attendant and related causes of action,  
25 arising from the same nucleus of operating facts, are also brought under California law,  
26 including, but not limited to, violations of California Civil Code §§51, 51.5, 52(a), 52.1,  
27 54, 54., 54.3 and 55.

28           8.     Plaintiff’s claims are authorized by 28 USC §§ 2201 and 2202.

1           9. Venue is proper in this court pursuant to 28 USC §1391(b). The real  
2 property which is the subject of this action is located in this district, Los Angeles County,  
3 California, and that all actions complained of herein take place in this district.

4                                   **FACTUAL ALLEGATIONS**

5           10. In or about December of 2024, Plaintiff went to the Business.

6           11. The Business is an auto parts store business establishment, open to the  
7 public, and is a place of public accommodation that affects commerce through its  
8 operation. Defendants provide parking spaces for customers.

9           12. While attempting to enter the Business during each visit, Plaintiff personally  
10 encountered a number of barriers that interfered with his ability to use and enjoy the  
11 goods, services, privileges, and accommodations offered at the Business.

12           13. To the extent of Plaintiff's personal knowledge, the barriers at the Business  
13 included, but were not limited to, the following:

- 14                   a. Defendants failed to maintain accessibility for persons with  
15 disabilities to comply with the federal and state standards. Defendants  
16 failed to provide an accessible entrance as the curb preceeding the  
17 entrance of the Business had a threshold that exceeded the maximum  
18 height allowed by the Standards.

19           14. These barriers and conditions denied Plaintiff full and equal access to the  
20 Business and caused Plaintiff difficulty and frustration. Plaintiff wishes to return and  
21 patronize the Business; however, Plaintiff is deterred from visiting the Business because  
22 his knowledge of these violations prevents him from returning until the barriers are  
23 removed.

24           15. Based on the violations, Plaintiff alleges, on information and belief, that  
25 there are additional barriers to accessibility at the Business after further site inspection.  
26 Plaintiff seeks to have all barriers related to his disability remedied. *See Doran v. 7-*  
27 *Eleven, Inc.* 524 F.3d 1034 (9<sup>th</sup> Cir. 2008).  
28



otherwise treated differently than other individuals because of the absence of auxiliary aids and services, unless the entity can demonstrate that taking such steps would fundamentally alter the nature of the good, service, facility, privilege, advantage, or accommodation being offered or would result in an undue burden. 42 U.S.C. § 12182(b)(2)(A)(iii).

c. A failure to remove architectural barriers, and communication barriers that are structural in nature, in existing facilities, and transportation barriers in existing vehicles and rail passenger cars used by an establishment for transporting individuals (not including barriers that can only be removed through the retrofitting of vehicles or rail passenger cars by the installation of a hydraulic or other lift), where such removal is readily achievable. 42 U.S.C. § 12182(b)(2)(A)(iv).

d. A failure to make alterations in such a manner that, to the maximum extent feasible, the altered portions of the facility are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs or to ensure that, to the maximum extent feasible, the path of travel to the altered area and the bathrooms, telephones, and drinking fountains serving the altered area, are readily accessible to and usable by individuals with disabilities where such alterations to the path or travel or the bathrooms, telephones, and drinking fountains serving the altered area are not disproportionate to the overall alterations in terms of cost and scope. 42 U.S.C. § 12183(a)(2).

21. Where parking spaces are provided, accessible parking spaces shall be provided. 1991 ADA Standards § 4.1.2(5); 2010 ADA Standards § 208. One in every eight accessible spaces, but not less than one, shall be served by an access aisle 96 in (2440 mm) wide minimum and shall be designated “van accessible.” 1991 ADA

Standards § 4.1.2(5)(b). For every six or fraction of six parking spaces, at least one shall be a van accessible parking space. 2010 ADA Standards § 208.2.4.

22. Thresholds, if provided at doorways, shall be ½ inch (13 mm) high maximum. Raised thresholds and changes in level at doorways shall comply with 302 and 303. Existing or altered thresholds ¾ inch (19 mm) high maximum that have a beveled edge on each side with a slope not steeper than 1:2 shall not be required to comply with 404.2.5. 2010 ADA Standards § 404.2.5.

23. Here, Defendants failed to maintain accessibility for persons with disabilities to comply with the federal and state standards. Defendants failed to provide an accessible entrance as the curb preceeding the entrance of the Business had a threshold that exceeded the maximum height allowed by the Standards.

24. A public accommodation shall maintain in operable working condition those features of facilities and equipment that are required to be readily accessible to and usable by persons with disabilities by the Act or this part. 28 C.F.R. 35.211(a).

25. By failing to maintain the facility to be readily accessible and usable by Plaintiff, Defendants are in violation of Plaintiff's rights under the ADA and its related regulations.

26. The Business has denied and continues to deny full and equal access to Plaintiff and to other people with disabilities. Plaintiff has been and will continue to be discriminated against due to the lack of accessible facilities, and therefore, seeks injunctive relief to alter facilities to make such facilities readily accessible to and usable by individuals with disabilities.

## **SECOND CAUSE OF ACTION**

### **VIOLATION OF THE UNRUH CIVIL RIGHTS ACT**

27. Plaintiff incorporates by reference each of the allegations in all prior paragraphs in this complaint.

28. California Civil Code § 51 states, "All persons within the jurisdiction of this state are free and equal, and no matter what their sex, race, color, religion, ancestry,

1 national origin, disability, medical condition, genetic information, marital status, sexual  
2 orientation, citizenship, primary language, or immigration status are entitled to the full  
3 and equal accommodations, advantages, facilities, privileges, or services in all business  
4 establishments of every kind whatsoever.”

5 29. California Civil Code § 52 states, “Whoever denies, aids or incites a denial,  
6 or make any discrimination or distinction contrary to Section 51, 51.5, or 51.6, is liable  
7 for each and every offense for the actual damages, and any amount that may be  
8 determined by a jury, or a court sitting without a jury, up to a maximum of three times the  
9 amount of actual damage but in no case less than four thousand dollars (\$4,000) and any  
10 attorney’s fees that may be determined by the court in addition thereto, suffered by any  
11 person denied the rights provided in Section 51, 51.5, or 51.6.

12 30. California Civil Code § 51(f) specifies, “a violation of the right of any  
13 individual under federal Americans with Disabilities Act of 1990 (Public Law 101-336)  
14 shall also constitute a violation of this section.”

15 31. The actions and omissions of Defendants alleged herein constitute a denial  
16 of full and equal accommodation, advantages, facilities, privileges, or services by  
17 physically disabled persons within the meaning of California Civil Code §§ 51 and 52.  
18 Defendants have discriminated against Plaintiff in violation of California Civil Code §§  
19 51 and 52.

20 32. The violations of the Unruh Civil Rights Act caused Plaintiff to experience  
21 difficulty, discomfort, or embarrassment. The Defendants are also liable for statutory  
22 damages as specified in California Civil Code §55.56(a)-(c).

### 23 **THIRD CAUSE OF ACTION**

#### 24 **VIOLATION OF CALIFORNIA DISABLED PERSONS ACT**

25 33. Plaintiff incorporates by reference each of the allegations in all prior  
26 paragraphs in this complaint.

27 34. California Civil Code § 54.1(a) states, “Individuals with disabilities shall be  
28 entitled to full and equal access, as other members of the general public, to



1 accommodations, advantages, facilities, medical facilities, including hospitals, clinics,  
2 and physicians' offices, and privileges of all common carriers, airplanes, motor vehicles,  
3 railroad trains, motorbuses, streetcars, boats, or any other public conveyances or modes  
4 of transportation (whether private, public, franchised, licensed, contracted, or otherwise  
5 provided), telephone facilities, adoption agencies, private schools, hotels, loading places,  
6 places of public accommodations, amusement, or resort, and other places in which the  
7 general public is invited, subject only to the conditions and limitations established by  
8 law, or state or federal regulation, and applicable alike to all persons.

9 35. California Civil Code § 54.3(a) states, "Any person or persons, firm or  
10 corporation who denies or interferes with admittance to or enjoyment of public facilities  
11 as specified in Sections 54 and 54.1 or otherwise interferes with the rights of an  
12 individual with a disability under Sections 54, 54.1 and 54.2 is liable for each offense for  
13 the actual damages, and any amount as may be determined by a jury, or a court sitting  
14 without a jury, up to a maximum of three times the amount of actual damages but in no  
15 case less than one thousand dollars (\$1,000) and any attorney's fees that may be  
16 determined by the court in addition thereto, suffered by any person denied the rights  
17 provided in Section 54, 54.1, and 54.2.

18 36. California Civil Code § 54(d) specifies, "a violation of the right of an  
19 individual under Americans with Disabilities Act of 1990 (Public Law 101-336) also  
20 constitute a violation of this section, and nothing in this section shall be construed to limit  
21 the access of any person in violation of that act.

22 37. The actions and omissions of Defendants alleged herein constitute a denial  
23 of full and equal accommodation, advantages, and facilities by physically disabled  
24 persons within the meaning of California Civil Code § 54. Defendants have  
25 discriminated against Plaintiff in violation of California Civil Code § 54.

26 38. The violations of the California Disabled Persons Act caused Plaintiff to  
27 experience difficulty, discomfort, and embarrassment. The Defendants are also liable for  
28 statutory damages as specified in California Civil Code §55.56(a)-(c).



**FOURTH CAUSE OF ACTION**

**CALIFORNIA HEALTH & SAFETY CODE § 19955, et seq.**

39. Plaintiff incorporates by reference each of the allegations in all prior paragraphs in this complaint.

40. Plaintiff and other similar physically disabled persons who require the use of a wheelchair are unable to use public facilities on a “full and equal” basis unless each such facility is in compliance with the provisions of California Health & Safety Code § 19955 et seq. Plaintiff is a member of the public whose rights are protected by the provisions of California Health & Safety Code § 19955 et seq.

41. The purpose of California Health & Safety Code § 1995 et seq. is to ensure that public accommodations or facilities constructed in this state with private funds adhere to the provisions of Chapter 7 (commencing with Section 4450) of Division 5 of Title 1 of the Government Code. The code relating to such public accommodations also require that “when sanitary facilities are made available for the public, clients, or employees in these stations, centers, or buildings, they shall be made available for persons with disabilities.

42. Title II of the ADA holds as a “general rule” that no individual shall be discriminated against on the basis of disability in the full and equal enjoyment of goods (or use), services, facilities, privileges, and accommodations offered by any person who owns, operates, or leases a place of public accommodation. 42 U.S.C. § 12182(a). Further, each and every violation of the ADA also constitutes a separate and distinct violation of California Civil Code §§ 54(c) and 54.1(d), thus independently justifying an award of damages and injunctive relief pursuant to California law, including but not limited to Civil Code § 54.3 and Business and Professions Code § 17200, et seq.

**FIFTH CAUSE OF ACTION**

**NEGLIGENCE**

43. Plaintiff incorporates by reference each of the allegations in all prior paragraphs in this complaint.

1 44. Defendants have a general duty and a duty under the ADA, Unruh Civil  
2 Rights Act and California Disabled Persons Act to provide safe and accessible facilities  
3 to the Plaintiff.

4 45. Defendants breached their duty of care by violating the provisions of ADA,  
5 Unruh Civil Rights Act and California Disabled Persons Act.

6 46. As a direct and proximate result of Defendants' negligent conduct, Plaintiff  
7 has suffered damages.

8 **PRAYER FOR RELIEF**

9 WHEREFORE, Plaintiff respectfully prays for relief and judgment against  
10 Defendants as follows:

11 1. For preliminary and permanent injunction directing Defendants to comply  
12 with the Americans with Disability Act and the Unruh Civil Rights Act;

13 2. Award of all appropriate damages, including but not limited to statutory  
14 damages, general damages and treble damages in amounts, according to proof;

15 3. Award of all reasonable restitution for Defendants' unfair competition  
16 practices;

17 4. Reasonable attorney's fees, litigation expenses, and costs of suit in this  
18 action;

19 5. Prejudgment interest pursuant to California Civil Code § 3291; and

20 6. Such other and further relief as the Court deems just and proper.

21 **DEMAND FOR TRIAL BY JURY**

22 Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff hereby  
23 demands a trial by jury on all issues so triable.

24  
25 Dated: March 25, 2025

SO. CAL. EQUAL ACCESS GROUP

26  
27 By: /s/ Jason J. Kim  
Jason J. Kim, Esq.  
28 Attorneys for Plaintiff